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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,335	11/21/2003	Masayuki Sekiya	17063.004001	2629

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EXAMINER

ALEXANDER, REGINALD

ART UNIT PAPER NUMBER

1761

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,335

Applicant(s)

SEKIYA, MASAYUKI

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 7-23 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9, 11-20, 23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ridgely.

There is disclosed in Ridgely an apparatus for cooking food on skewers, comprising: a main apparatus body 25; at least one cassette 26, 27, 28 provided with holding members 32, 49, 50 for holding skewers 30, 47, 51; rotating means 40 for rotating the holding members; heating means 37 adjacent the cassette and within the main body; and a see-through member 53 enabling one to observe the cooking space from outside thereof.

In regards to the recitation in claims 7 and 17 of the cassette being “freely detachable”, such a recitation provides no structural limitations. The doors or cassettes disclosed in Ridgely can be removed.

It should also be noted that the rotating means of Ridgely operates individually with each holding member which is in contact therewith. The movement of the holding members into and out of contact with the rotating means can be done at the discretion of the user.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgely in view of Bobo.

Bobo teaches the use of a grease tray 27 below a skewer holding apparatus of a cooking oven.

It would have been obvious to one skilled in the art to provide the apparatus of Ridgely with the grease tray taught in Bobo, in order to collect grease and prevent it from damaging the oven.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgely in view of Cook et al.

Cook teaches the use of ventilation openings 104, 105, 123 in upper and lower portions of a cooking oven to allow for the circulation of air through a cooking space.

It would have been obvious to one skilled in the art to provide the apparatus of Ridgely with the ventilation means taught in Cook, in order to allow for the circulation of air through the cooking space.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finch in view of Milhem.

Finch discloses a rod member 56 having a base 54 and a hold to receive one end of a skewer 48; and a mesh member 22 supported by the base and extending along the skewer.

Milhem discloses the use of a pair of members 57, 59 which extend along a skewer.

It would have been obvious to one skilled in the art to have modify the mesh member of Finch with that taught in Milhem and provide two separate members as opposed to just one member, in order to provide an alternative means to support the food.

Allowable Subject Matter

Claims 1-6, 24 and 25 are allowed.

Response to Arguments

Applicant's arguments filed 14 February 2006 have been fully considered but they are not persuasive. Applicant argues that claims 7 and 17 fail to disclose a "freely detachable cassette".

It should be noted that there is no structural limitation defined by the phrase freely detachable or removable. Thus, the fact that the cassettes (drawers) of Ridgely are removable satisfies the claim language. Since applicant has not further defined a "cassette" it is the opinion of the examiner that the drawers of Ridgely meet the

limitations of the claims. In regards to the rotating mechanism of claim 7 being "individually adjustable", see comments made in the rejection above of claim 7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Reginald L. Alexander
Primary Examiner
Art Unit 1761

rla
March 27, 2006